

REMARKS

Claims 60-62, 69-82, 89 and 90 are pending in the application. Claims 69-82 are allowed and Claims 60-62, 89 and 90 stand rejected. The Applicants have amended Claims 60, 89 and 90. The Applicants submit all the Claims 60-62, 69-82, 89 and 90 are in condition for allowance.

Rejection under 35 U.S.C. §112 2nd paragraph

The Office Action rejected Claims 60-62, 90 as being indefinite. The Applicant has amended Claim 60 by providing specificity regarding the wave guide and has amended Claim 90 by removing the left over clause. In view of these amendments, the Applicants submit the rejections are moot and should be withdrawn.

Rejection under 35 U.S.C. § 102

The Office Action rejected Claims 60, 62, 89 and 90 as being anticipated by Seling.

Amended Claim 60 now recited *inter alia*, “*wherein the aperture is defined within two parallel side walls symmetric about a plane oblique to the first and second polarizations*”. The aperture of Seling is defined within a cruciform by side walls that are symmetric about planes parallel and perpendicular to the first and second polarizations. Therefore, Seling does not anticipate Claim 60 since the planes of symmetry are not oblique to the first and second polarizations. The Applicants request withdrawal of the

rejection and allowance of Claim 60. Likewise the Applicants request withdrawal of the rejection and allowance of Claim 62, irrespective of the additional patentable features recited therein, since Claim 62 depends from Claim 60.

Amended Claim 89, recites *inter alia*, “wherein the physical configuration of the wave guide includes a continuous unobstructed aperture”. As noted in Seling Col. 2, lines 41-45 “A conductive tuning probe 36 extends into the cruciform aperture diagonally thereof from the innermost corner 32 of the wall 30 and an identical probe 38 extends diagonally opposite into the aperture from the corner 34 of wall 30”. Therefore, clearly the aperture of Seling is not unobstructed as a pair of “conductive tuning probe[s]” extend into the cruciform aperture. Therefore, in view of the amendment to Claim 89, the Applicants submit that Seling does not anticipate Claim 89. The Applicants request removal of the rejection and allowance of Claim 89.

Amended Claim 90 recites *inter alia*, “wherein the slot continuously extends between the first and second wave guides along a longitudinal axis ”. The slot of Seling “formed between the probes 36, 38 illustrated in Figures 3 and 4”(Office Action, page 3, line 21-page 4, line 1) does not continuously extend between the first and second wave guides, but rather located only at the midpoint. Seling states “because of the angularity of the probes, this reorientation produces a partial rotation of the electric potential vectors at the midpoint of the coupling member” Col. 2, lines 58-61. Therefore the slot is not continuous between the first and second wave guides. Thus Seling cannot anticipate Claim 90. The applicants request the rejection be withdrawn and Claim 90 allowed.

The Office Action rejected Claims 60 and 61 as being anticipated by Klein. The Applicants submit the rejections are rendered moot by the amendment to Claim 60.

Claim 60 recites *inter alia* , “ wherein the aperture is defined within two parallel side walls symmetric about a plane oblique to the first and second polarizations”. Klein simply fails to show, teach or suggest such an aperture. Therefore the Applicants request withdrawal of the rejection of Claim 60. Likewise, as Claim 61 depends from Claim 60, the Applicants further request withdrawal of the rejection of Claim 61, irrespective of the additional patentable features therein.

CONCLUSION

In view of the amendments and the above arguments, the Applicants submit Claims 60-62, 69-82, 89 and 90 are in condition for allowance. The Applicant requests allowance of the current application including Claims 60-62, 69-82, 89 and 90.

Respectfully submitted,



Mark C. Comtois	Reg. No. 46,285
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46,255

DUANE MORRIS LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: August 8, 2003